

**SENATE JOURNAL  
61ST LEGISLATURE  
SIXTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 25, 2009

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Story presiding. Invocation by Chaplain Ken DuVall, State Chaplain, Montana National Guard. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Stewart-Peregoy, excused. Quorum present.

Correctly printed: **SB 234, SB 241, SB 245, SB 263, SB 303, SB 500, SB 502, SB 505, SB 512, SB 513, SR 18, HB 12, HB 71, HB 98, HB 104, HB 107, HB 112, HB 127, HB 144, HB 161, HB 170, HB 243, HB 404, HB 451, HB 466, HB 483, HB 509, HB 529, HB 542, HB 626.**

Correctly engrossed: **SB 291, SB 402, SB 435, SB 465, SB 489, SB 490, SB 503, SB 506, SB 507, SB 509, SB 510, HB 544, HB 567.**

Correctly enrolled: **SB 74, SB 111, SB 143, SB 185, SB 188, SB 340.**

Delivered to the Governor for approval at 3:50 p.m., March 24, 2009: **SB 20, SB 21, SB 141, SB 173, SB 184, SB 197, SB 323, SB 368, SB 409.**

Examined by the sponsor and found to be correct: **SB 74, SB 82, SB 111, SB 143, SB 185, SB 188, SB 208, SB 209, SB 273, SB 319, SB 325, SB 340, SB 341, SB 395, SB 432, SJR 22.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Steinbeisser, Chairman): 3/25/2009  
**SR 10**, be adopted. Report adopted.

**ENERGY AND TELECOMMUNICATIONS** (Black, Chairman): 3/24/2009  
**HB 338**, be amended as follows:

1. Title, page 1, line 5.

**Following:** "COMBUSTION"

**Insert:** "OR GASIFICATION"

2. Page 1, line 16.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

3. Page 1, line 18.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

4. Page 1, line 21.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

5. Page 1, line 25.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

6. Page 1, line 28.

**Following:** "COMBUSTION"

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

**Insert:** "or gasification"

7. Page 2, line 4.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

8. Page 2, line 17.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

9. Page 2, line 19.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

10. Page 2, line 22.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

11. Page 2, line 24.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

12. Page 3, line 4.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

13. Page 3, line 20.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

14. Page 3, line 26.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

15. Page 3, line 29.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

16. Page 4, line 11.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

17. Page 4, line 14.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

18. Page 4, line 18.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

19. Page 4, line 29.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

20. Page 5, line 1.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

21. Page 5, line 3.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

22. Page 5, line 9.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

23. Page 5, line 16.

**Following:** "COMBUSTION"

**Insert:** "or gasification"

And, as amended, be concurred in. Report adopted.

**HB 343**, be amended as follows:

1. Title, page 1, line 8.

**Strike:** ", GEOGRAPHIC DIVERSITY,"

2. Page 2, line 3.

**Strike:** "75"

**Insert:** "25"

3. Page 2, line 24.

**Following:** "that"

**Insert:** ": (i)"

4. Page 2, line 25.

**Following:** "less;"

**Insert:** "or

(ii) is installed at an existing reservoir or on an existing irrigation system that does not have hydroelectric generation as of [the effective date of this act] and has a nameplate capacity of 15 megawatts or less;"

5. Page 3, line 1.

**Strike:** "and"

6. Page 3, line 3.

**Strike:** "(10)(h)"

**Insert:** "(10)(j)"

**Following:** "fuels"

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

**Insert:** "; and

(j) compressed air derived from any of the sources in this subsection (10) that is forced into an underground storage reservoir and later released, heated, and passed through a turbine generator"

7. Page 3, line 4 through line 7.

**Strike:** subsection (11) in its entirety

**Renumber:** subsequent subsections

8. Page 3, line 15 through line 16.

**Strike:** "(12)(a) through (12)(f)"

**Insert:** "(11)(a) through (11)(f)"

9. Page 4, line 11 through line 12.

**Strike:** "unless" on line 11 through "or (4)(b)." on line 12

10. Page 4, line 17.

**Strike:** "geographic diversity."

**Strike:** "operational"

11. Page 4, line 18.

**Strike:** "characteristics"

**Insert:** "attributes"

**Following:** "resource"

**Insert:** "contained in the commission's supply procurement rules"

**Following:** "energy"

**Insert:** "or renewable energy"

And, as amended, be concurred in. Report adopted.

**FISH AND GAME** (Barkus, Chairman):

3/25/2009

**HB 218**, be amended as follows:

1. Title, page 1, line 5.

**Following:** "USE OF"

**Insert:** "PROJECTED"

2. Page 2, line 24.

**Following:** "spotlights"

**Insert:** "projected"

3. Page 3, line 18.

**Following:** "using"

**Insert:** "projected"

4. Page 4, line 4.

**Following:** "using"

**Insert:** "projected"

5. Page 5, line 4.

**Following:** "other"

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

**Insert:** "projected"

And, as amended, be concurred in. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Brueggeman, Chairman):  
**SB 508**, introduced bill, be amended as follows:

3/25/2009

1. Title, page 1, line 22.

**Following:** "61-3-535,"

**Insert:** "61-3-562,"

2. Page 2, line 7 through line 8.

**Following:** "standards" on line 7

**Strike:** ", with" through "department" on line 8

3. Page 2, line 12 through line 13.

**Following:** "personnel" on line 12

**Strike:** "and " through "department" on line 13

**Insert:** "county treasurers, and authorized agents under the provisions of 61-3-116"

4. Page 2, line 15 through line 16.

**Following:** "(e)" on line 15

**Strike:** "include" through "department" on line 16

**Insert:** "receive insurance data file transfers from insurers under specifications and standards set forth in subsection (3)(a) to identify vehicles that are not covered by an insurance policy"

5. Page 2, line 22.

**Following:** "week,"

**Insert:** "subject to reasonable allowances for scheduled maintenance or temporary system failures,"

6. Page 2, line 24.

**Following:** "period"

**Insert:** "of not less than 6 months"

7. Page 2, line 28.

**Following:** "coverage for"

**Insert:** ": (a)"

8. Page 2, line 29.

**Following:** the first "in this state"

**Insert:** "; and (b) if available, for a vehicle that is insured by that company"

**Following:** the second "in this state"

**Insert:** "and that is the subject of an accident investigation"

9. Page 3, line 5 through line 6.

**Following:** the first "vehicle" on line 5

**Strike:** ", an operator" through "or" on line 6

10. Page 3, line 8.

**Following:** "(2)"

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

**Strike:** "The"

**Insert:** "(a) Except as provided in subsection (2)(b), the"

11. Page 3, line 11.

**Insert:** "(b) Subsection (2)(a) does not apply if the vehicle is:

(i) covered under a commercial automobile insurance coverage policy;

(ii) part of a self-insured fleet as provided in 61-6-143; or

(iii) included in an insurance binder, as allowed by 33-15-411, that has not been entered into the system.

(3) Except upon reasonable cause to believe that a driver has violated another traffic regulation or that the driver's vehicle is unsafe or not equipped as required by law, a peace officer may not use the verification system to stop a driver for operating a motor vehicle in violation of 61-6-301."

12. Page 4, line 4.

**Following:** the second "account"

**Strike:** "in the enterprise"

**Insert:** "of the internal service"

13. Page 14, line 22.

**Following:** "\$237.50;"

**Strike:** "and"

14. Page 14, line 23.

**Following:** "(ii)"

**Insert:** "unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be deposited in the account established under [section 3]; and (iii)"

15. Page 15, line 23.

**Following:** "2015,"

**Strike:** "a"

**Insert:** "an additional"

16. Page 15, line 27.

**Following:** "3]"

**Insert:** ", except \$2 of the fee imposed in subsection (12)(a) must be deposited in the state general fund"

17. Page 18, line 5.

**Following:** "~~(2)(b)~~"

**Strike:** "that is permanently registered pursuant to 61-3-562"

**Insert:** "described in subsection (2)(b)"

18. Page 18, line 7 through line 8.

**Following:** "registered" on line 7

**Strike:** "is" through "subsection (3)" on line 8

**Insert:** "may display the license plate and plate design in effect at the time of registration for the entire period that the light vehicle or motor home is permanently registered"

19. Page 21, line 6.

**Following:** "[section 3]"

**Insert:** ", except \$2 of the fee imposed in subsection (1) must be deposited in the state general fund"

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

20. Page 22, line 1.

**Following:** "The"

**Insert:** "amount of \$8 of the"

**Following:** "[section 3]"

**Insert:** "and \$2 of the fee must be deposited in the state general fund"

21. Page 22, line 18.

**Following:** "fee of"

**Strike:** "\$15"

**Insert:** "\$20"

22. Page 22, line 20.

**Following:** "of the"

**Strike:** "\$15"

**Insert:** "\$20"

23. Page 22, line 24.

**Following:** "of the"

**Strike:** "\$15"

**Insert:** "\$20"

24. Page 22, line 25.

**Following:** "[section 3]:"

**Insert:** "(ii) \$5 of the administrative fee to the state general fund;"

**Renumber:** subsequent subsections

25. Page 23.

**Following:** line 17

**Insert:** "**Section 19.** Section 61-3-562, MCA, is amended to read:

**"61-3-562. Permanent registration -- transfer of light vehicle ownership -- rules.** (1) (a) The owner of a light vehicle 11 years old or older subject to the registration fee, as provided in 61-3-321(2), may permanently register the light vehicle upon payment of a \$87.50 registration fee, the applicable registration and license fees under 61-3-412, if applicable, the administrative fee and the annual one-time-only donation fee for a generic specialty license plate under 61-3-480, and an amount equal to five times the local option motor vehicle tax or flat fee on vehicles under 61-3-537 and, if as applicable, ~~when personalized plates under 61-3-406 are being issued or renewed~~, either:

(i) (A) the original fee and four times the renewal fee for personalized plates; or

~~(ii)(B)~~ five times the renewal fees for personalized plates; or

(ii) if a new set of license plates is not being issued, an insurance verification fee of \$5, which must be deposited in the account established under [section 3].

(b) The following series of license plates may not be used for purposes of permanent registration of a light vehicle:

(i) Montana national guard license plates issued under 61-3-458(2)(b);

(ii) reserve armed forces license plates issued under 61-3-458(2)(c);

(iii) amateur radio operator license plates issued under 61-3-422; and

(iv) collegiate license plates issued under 61-3-465.

(2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under 61-10-201.

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

(3) The owner of a motor vehicle that is permanently registered under this section is not subject to additional registration fees or to other motor vehicle registration fees described in this section for as long as the owner owns the vehicle.

(4) The county treasurer shall once each month remit to the state the amounts collected under this section, other than the local option motor vehicle tax or flat fee, for the purposes of 61-3-321(2) and 61-10-201. The county treasurer shall retain the local option motor vehicle tax or flat fee.

(5) (a) The permanent registration of a light vehicle allowed by this section may not be transferred to a new owner. If the light vehicle is transferred to a new owner, the department shall cancel the light vehicle's permanent registration.

(b) Upon transfer of a light vehicle registered under this section to a new owner, the new owner shall apply for a certificate of title under 61-3-201 and 61-3-216 and register the light vehicle under 61-3-303."

**Renumber:** subsequent sections

26. Page 23, line 25.

**Following:** "apply:"

**Insert:** "(1) "Commercial automobile insurance coverage" means any coverage provided to an insured, regardless of number of vehicles or entities covered, under a commercial, garage, or truckers coverage form and rated from a commercial manual or rating rule. Vehicle type and ownership are not the primary factors in underwriting the coverage or rating the coverage. The rating may be subject to individual risk characteristics, including but not limited to experience rating, schedule rating, loss rating, or deductible rating."

**Renumber:** subsequent subsections

27. Page 24.

**Following:** line 6

**Insert:** "(5) "Low-volume insurer" means an insurer that provides motor vehicle liability policies for fewer than 500 vehicles in this state."

**Renumber:** subsequent subsections

28. Page 27, line 11.

**Following:** the second "department"

**Insert:** "that are consistent with specifications and standards of the insurance industry committee on motor vehicle administration and other applicable industry standards"

29. Page 27, line 26 through line 29.

**Strike:** subsection (e) in its entirety

**Renumber:** subsequent subsections

30. Page 27, line 30 through page 28, line 1.

**Following:** "for" on line 30

**Strike:** "biannual" through "noncompliance" on page 28, line 1

**Insert:** "periodic insurance data file transfers from insurers under specifications and standards set forth in [section 1] to identify vehicles that are not covered by an insurance policy and to monitor ongoing compliance"

31. Page 28, line 2 through line 3.

**Following:** "for"

**Strike:** "biannual"

**Following:** "to"

**Strike:** "monitor compliance of permanently registered vehicles with mandatory vehicle liability insurance requirements"



SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

**Insert:** "identify vehicles that are not covered by an insurance policy"

32. Page 28, line 7.

**Strike:** subsection (a) in its entirety

**Renumber:** subsequent subsections

33. Page 28, line 19.

**Following:** "61-6-301."

**Insert:** "If the card is issued under a commercial automobile insurance policy or a self-insured fleet, the card must indicate the status as "commercially insured" or "fleet"."

And, as amended, do pass. Report adopted.

**JUDICIARY** (Perry, Chairman):

3/25/2009

**HB 301**, be concurred in. Report adopted.

**HB 517**, be amended as follows:

1. Page 2, line 2.

**Following:** "an"

**Strike:** "extraordinary"

2. Page 2, line 29.

**Following:** "information"

**Strike:** "acquired"

**Insert:** "divulged to the team"

3. Page 3, line 13.

**Following:** "FACTS"

**Insert:** "divulged by the emergency service provider"

And, as amended, be concurred in. Report adopted.

**HB 591**, be amended as follows:

1. Title, line 5.

**Strike:** "AMERICAN INDIAN"

**Insert:** "ENROLLED MEMBER OF A FEDERALLY RECOGNIZED INDIAN TRIBE LOCATED WITHIN THE BOUNDARIES OF THE STATE OF MONTANA"

2. Title, line 5 through line 8.

**Strike:** "PROVIDING" on line 5 through "TERM;" on line 8

3. Page 1, line 18 through line 21.

**Strike:** "American" on line 18 through "board" on line 21

**Insert:** "enrolled member of a federally recognized Indian tribe located within the boundaries of the state of Montana"

4. Page 2, line 1.

**Strike:** "(a)"

**Strike:** "Except" through "the"

**Insert:** "The"

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

5. Page 2, line 4 through line 6.  
**Strike:** subsection (b) in its entirety

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence: 3/24/2009

**HB 7**, introduced by McNutt  
**HB 9**, introduced by Hollenbaugh

**Senate bills** concurred in and returned to the Senate: 3/24/2009

**SB 111**, introduced by Ripley  
**SB 143**, introduced by Laible  
**SB 185**, introduced by Balyeat  
**SB 188**, introduced by Balyeat  
**SB 340**, introduced by Laslovich

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 3/24/2009

**SB 73**, introduced by Hawks

**Senate joint resolution** concurred in as amended and returned to the Senate for concurrence in House amendments: 3/24/2009

**SJR 9**, introduced by Wanzenried

**HB 8**, introduced by McNutt, requiring adoption by an affirmative roll call vote of three-quarters of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

3/24/2009

Yeas - 87  
Nays - 9

**MESSAGES FROM THE GOVERNOR**

March 24, 2009

The Honorable Robert Story  
President, Montana State Senate  
Capitol Station  
Helena, Montana 59620

Dear President Story:

The following individuals have been appointed as Directors of state agencies in accordance with Montana Code Annotated 2-15-111. (Their resumes are attached.)

Janet Kelly, Director of the Department of Administration  
Ron deYong, Director of the Department of Agriculture

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

Keith Kelly, Commissioner of the Department of Labor and Industry  
John Walsh, Adjutant General of the Department of Military Affairs  
Jim Lynch, Director of the Department of Transportation

In addition, the following are appointed as council members of the Northwest Power and Conservation Council, in accordance with Montana Code Annotated 2-15-111. (His resume is attached.)

Bruce Measure

Additional information about the cabinet is available online at <http://governor.mt.gov>. Meanwhile, please don't hesitate to contact our office if my staff or I can be of assistance to you.

Sincerely yours,

BRIAN SCHWEITZER  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 7**, introduced by McNutt (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 8**, introduced by McNutt (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 9**, introduced by Hollenbaugh (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Peterson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Bales in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 37** - Senator Kaufmann moved **SB 37** do pass. Motion carried as follows:

Yeas: Black, Branae, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Mr. President.  
Total 32

Nays: Bales, Balyeat, Barkus, Barrett, Brenden, R. Brown, Esp, Hinkle, Laible, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke.  
Total 18

Absent or not voting: None.

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

Total 0

Excused: None.

Total 0

**SB 379** - Senator Perry moved **SB 379** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.

Total 26

Nays: Balyeat, Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 217** - Senator Debby Barrett moved **SB 217** do pass.

**SB 217** - Senator Debby Barrett moved **SB 217**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 2, line 6.

**Following:** line 5

**Insert:** "NEW SECTION. Section 2. Contingent voidness. If funding for the reimbursements to livestock producers provided for in 87-1-323(4) is not included in House Bill No. 645, then [this act] is void."

**Renumber:** subsequent sections

3. Page 2, line 8.

**Following:** line 7

**Insert:** "NEW SECTION. Section 4. Termination. [This act] terminates June 30, 2012."

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Tutvedt, Windy Boy, Zinke, Mr. President.

Total 40

Nays: Erickson, Juneau, Kaufmann, Larsen, Moss, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 217** - Senator Debby Barrett moved **SB 217**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.

Total 27

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 418** - Senator Branae moved **SB 418** do pass. Motion carried as follows:

Yeas: Bales, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 43

Nays: Balyeat, Barkus, Brenden, Hinkle, McGee, Shockley, Steinbeisser.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 491** - Senator Lewis moved **SB 491** do pass.

**SB 491** - Senator Lewis moved **SB 491**, second reading copy, be amended as follows:

1. Page 3, line 24.

**Following:** "amount"

**Insert:** "referred to in subsection (4)(b)"

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

2. Page 3, line 25.

**Following:** "~~the~~"

**Strike:** "THAT" through "AMOUNT"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 491** - Senator Lewis moved **SB 491**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 63** - Senator J. Peterson moved consideration of **SB 63** be placed at the top of the second reading board. Motion carried.

**SB 63** - Senator Laible moved **SB 63** do pass. Motion **failed** as follows:

Yeas: Bales, Brueggeman, Cooney, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Juneau, Laible, Larsen, Laslovich, Moss, Murphy, Perry, Schmidt, Shockley, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.

Total 24

Nays: Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Curtiss, Erickson, Esp, Essmann,

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

Hinkle, Jackson, Jent, Kaufmann, Keane, Lewis, McGee, Peterson, Ripley, Squires, Steinbeisser, Tutvedt, Zinke, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 63** - Senator Williams moved **SB 63** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Erickson, Esp, Essmann, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lewis, Perry, Peterson, Schmidt, Squires, Tutvedt, Mr. President.  
Total 27

Nays: Branae, Brueggeman, Cooney, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Laible, Larsen, McGee, Moss, Murphy, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 290** - Senator Branae moved **HB 290** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 357** - Senator Jackson moved **HB 357** be concurred in. Motion **failed** as follows:

Yeas: Bales, Balyeat, Black, Branae, R. Brown, T. Brown, Brueggeman, Erickson, Hamlett, Hansen, Hinkle, Jackson, Keane, Lewis, Murphy, Perry, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Zinke.

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

Total 25

Nays: Barkus, Barrett, Brenden, Cooney, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hawks, Jent, Juneau, Kaufmann, Laible, Larsen, Laslovich, McGee, Moss, Peterson, Schmidt, Wanzenried, Williams, Windy Boy, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 357** - Senator Williams moved **HB 357** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Bales, Barkus, Branae, Brenden, Cooney, Curtiss, Esp, Essmann, Gallus, Hansen, Hawks, Jent, Juneau, Kaufmann, Laible, Larsen, Laslovich, Lewis, Squires, Wanzenried, Williams, Mr. President.

Total 22

Nays: Balyeat, Barrett, Black, R. Brown, T. Brown, Brueggeman, Erickson, Gebhardt, Gillan, Hamlett, Hinkle, Jackson, Keane, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Windy Boy, Zinke.

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 386** - Senator Steinbeisser moved **HB 386** be concurred in.

**HB 386** - Senator Steinbeisser moved **HB 386**, second reading copy, be amended as follows:

1. Page 2, line 16.

**Following:** "AFFIDAVIT"

**Insert:** "or a written instrument"

2. Page 3, line 2.

**Following:** "AFFIDAVIT"

**Insert:** "or written instrument"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50



SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 386** - Senator Steinbeisser moved **HB 386**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 49

Nays: Esp.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Peterson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman Bales moved the Committee of the Whole report be adopted.

**SB 379** - Senator Kaufmann moved that **SB 379** be segregated from the Committee of the Whole report and the remainder of the report be adopted.

**SB 379** - Senator Gebhardt made a **substitute motion** that **SB 379** and **HB 357** be segregated from the Committee of the Whole report. Senator Gebhardt withdrew his motion.

**SB 379** - Motion to segregate **SB 379** failed as follows:

Yeas: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 23

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

Excused: None.  
Total 0

Chairman Bales moved the Committee of the Whole report be adopted. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Keane, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.  
Total 28

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

Senator Peterson moved **HB 357** be re-referred back to Business and Labor for further action. Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 234** passed as follows:

Yeas: Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, McGee, Moss, Perry, Peterson, Ripley, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 36

Nays: Bales, Balyeat, Barkus, Barrett, Brenden, Curtiss, Esp, Hinkle, Jackson, Lewis, Murphy, Shockley, Steinbeisser, Tutvedt.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 241** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hamlett, Hinkle, Jackson, Jent, Laible, Laslovich, Lewis, McGee, Murphy, Perry,

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Wanzenried, Windy Boy, Zinke, Mr. President.  
Total 33

Nays: Branae, Cooney, Erickson, Gallus, Hansen, Hawks, Juneau, Kaufmann, Keane, Larsen, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Williams.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 245** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Larsen, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Wanzenried, Zinke, Mr. President.  
Total 29

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Williams, Windy Boy.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 263** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Keane, Laible, Larsen, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Windy Boy, Zinke, Mr. President.  
Total 45

Nays: R. Brown, Kaufmann, Laslovich, Schmidt, Williams.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 303** passed as follows:

Yeas: Barkus, Black, Branae, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen,

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 45

Nays: Bales, Balyeat, Barrett, Brenden, R. Brown.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 500** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hansen, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, M. Tropila, Tutvedt, Windy Boy, Zinke, Mr. President.  
Total 31

Nays: Branae, Cooney, Erickson, Gillan, Hamlett, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, Wanzenried, Williams.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 502** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 505** passed as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, Brueggeman, Curtiss, Esp, Essmann,

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

Gebhardt, Hansen, Hinkle, Jackson, Keane, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.

Total 28

Nays: Branae, T. Brown, Cooney, Erickson, Gallus, Gillan, Hamlett, Hawks, Jent, Juneau, Kaufmann, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 243** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 221** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 593** concurred in as follows:

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SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 25, 2009

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 46

Nays: Balyeat, Esp, Hinkle, McGee.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 514**, introduced by Windy Boy, Campbell, Hamilton, Augare, Belcourt, Calf Boss Ribs, referred to Taxation.

The following Senate resolutions were introduced, read first time, and referred to committees:

**SR 19**, introduced by Wanzenried (by request of Senate Natural Resources Standing Committee), referred to Natural Resources.

**SR 20**, introduced by Kaufmann (by request of Senate Natural Resources Standing Committee), referred to Natural Resources.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 31**, introduced by Windy Boy, J. Tropila, Squires, Campbell, McAlpin, Calf Boss Ribs, Belcourt, Hunter, Henry, Caferro, Augare, Hamilton, referred to Public Health, Welfare and Safety.

**SJR 32**, introduced by Windy Boy, Lewis, J. Tropila, Squires, Campbell, Calf Boss Ribs, Henry, Hamilton, Caferro, Belcourt, Hunter, McAlpin, Augare, Jones, referred to Public Health, Welfare and Safety.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Thursday, March 26, 2009. Motion carried.

Senate adjourned at 3:05 p.m.

MARILYN MILLER  
Secretary of the Senate

ROBERT STORY  
President of the Senate